



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,541	11/02/2001	Victor Lu	3561-102	6064

7590 03/16/2005
MARGER JOHNSON & McCOLLOM, P.C.
1030 S.W. Morrison Street
Portland, OR 97205

EXAMINER

SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,541

Applicant(s)

LU ET AL.

Examiner

Ranodhi Serrao

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08192002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 is directed to an article. The article comprises a carrier wave, signal means for data mining and means for processing a cookie. Page 10, lines 4-12 of the specification points out that the subject matter is non-tangible.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Appleman et al. (6,081,788).

As per claim 1, Appleman et al. teaches a method for tracking and reporting traffic activity on a web site (column 13, line 59-column 14, line 33); storing a web page on a first server coupled to a wide area network, said web page having web page code and data mining code including a cookie processing script (column 3, lines 9-17 and

Art Unit: 2141

column 16, lines 39-45); uploading the web page to a visitor computer responsive to a request over the wide area network from the visitor computer (column 4, lines 27-31); operating the data mining code on the visitor computer to obtain web browsing data (column 11, lines 24-55); and operating the cookie processing script on the web browsing data to obtain new cookie values (column 16, lines 39-45); and storing the new cookie on the visitor computer including the new cookie values (column 16, lines 54-67).

As per claim 6, Appleman et al. teaches the step of generating a new cookie includes the step of operating the cookie processing script on an old cookie associated with the web page and previously stored on the visitor computer (column 16, lines 39-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appleman et al. (6,081,788) as applied to claim 1 above, and further in view of Pogue et al. (6,112,240).

As per claim 2, Appleman et al. teaches the mentioned limitations of claim 1 above but fail to teach the step of receiving the new cookie values at a second server.

Art Unit: 2141

Pogue et al. however teaches the step of receiving the new cookie values at a second server (column 7, lines 11-22). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the step of receiving the new cookie values at a second server in order to identify the client computer and/or the last web page in the web site that was visited by the client's browser.

As per claim 3, Appleman et al. and Pogue et al. teach the mentioned limitations of claims 1 and 2 above but Appleman et al. fails to teach attaching the new cookie values to an image request associated with a designated URL source; and sending the image request to the URL source. Pogue et al. however teaches attaching the new cookie values to an image request associated with a designated URL source (column 7, lines 11-22); and sending the image request to the URL source (column 5, lines 16-30). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add attaching the new cookie values to an image request associated with a designated URL source; and sending the image request to the URL source in order for the browser to retrieve only the files having the exact URL of that requested by the image tag.

As per claim 7, Appleman et al. teaches the mentioned limitations of claims 1 and 6 above but fails to teach the step of overwriting the old cookie with the new cookie. Pogue et al. however teaches the step of overwriting the old cookie with the new cookie (column 7, lines 11-22). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the step of

Art Unit: 2141

overwriting the old cookie with the new cookie in order to track the number of accesses by a particular browser on a specified client computer and to store the most recent client information the in the client information database.

As per claim 8, Appleman et al. teaches the mentioned limitations of claim 1 above but fails to teach the steps of: detecting that an old cookie exists on the visitor computer associated with the web tracking events on the visitor computer; processing the old cookie using cookie processing code in view of the tracked events to obtain new cookie values; and replacing the old cookie values with the new cookie values. Pogue et al. however teaches the steps of: detecting that an old cookie exists on the visitor computer associated with the web tracking events on the visitor computer; processing the old cookie using cookie processing code in view of the tracked events to obtain new cookie values; and replacing the old cookie values with the new cookie values (column 6, line 52-column 7, line 22). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the steps of: detecting that an old cookie exists on the visitor computer associated with the web tracking events on the visitor computer; processing the old cookie using cookie processing code in view of the tracked events to obtain new cookie values; and replacing the old cookie values with the new cookie values in order for performing the process of gathering and storing client information on the tracker each time a web page from the web site is displayed by the client computer.

Claims 5, 9, 10, 11, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appleman et al. (6,081,788) and Pogue et al. (6,112,240).

As per claim 5, Appleman et al. and Pogue et al. teach the mentioned limitations of claims 1, 2, and 3 above but Pogue et al. fails to teach compiling the web browsing data into a web page traffic report; and posting the report for viewing over the wide area network. Appleman et al. however teaches compiling the web browsing data into a web page traffic report (column 13, lines 1-30); and posting the report for viewing over the wide area network (column 13, line 59-column 14, line 33). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add compiling the web browsing data into a web page traffic report; and posting the report for viewing over the wide area network in order to allow mentors to identify and track users visiting particular web sites.

As per claim 9, Appleman et al. teaches a method for analyzing activity on a web page of a web site (column 7, lines 41-49); embedding data mining script within a web page (column 3, lines 49-58); embedding cookie processing script within the web page (column 16, lines 39-45); operating the data mining script on the client node (column 11, lines 22-55); operating the cookie processing script on the client node (column 16, lines 39-45); and returning data resulting from the operation steps (column 15, lines 17-39). Appleman et al. however fails to teach sending the web page to a client node. Pogue et al. teaches sending the web page to a client node (column 2, lines 38-46). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add sending the web page to a client node in order for the Java tracker applet to obtain further client information and direct such information to the tracking computer.

As per claim 10, Appleman et al. and Pogue et al. teach the mentioned limitations of claim 9 above but Appleman et al. fails to teach the step of operating the cookie processing script on the client node includes: reading a cookie value from the client node; tracking events on the client node; processing cookie value based on the tracked events to obtain a new cookie value; and writing a new cookie value to the client node. Pogue et al. however teaches the step of operating the cookie processing script on the client node includes: reading a cookie value from the client node (column 6, line 52-column 7, line 10); tracking events on the client node (column 7, lines 29-47); processing cookie value based on the tracked events to obtain a new cookie value; and writing a new cookie value to the client node (column 7, lines 11-22). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the step of operating the cookie processing script on the client node includes: reading a cookie value from the client node; tracking events on the client node; processing cookie value based on the tracked events to obtain a new cookie value; and writing a new cookie value to the client node in order to obtain client information such as "total number of accesses" and "time of accesses" for a web page that is downloaded onto the client computer.

As per claim 11, Appleman et al. and Pogue et al. teach the mentioned limitations of claim 9 above but Appleman et al. fails to teach the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source. Pogue et al. however teaches the step of returning data includes the steps of: embedding data within

Art Unit: 2141

an image request associated with a designated URL source (column 7, lines 11-22); and sending the image request to the URL source (column 5, lines 16-30). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the step of returning data includes the steps of: embedding data within an image request associated with a designated URL source; and sending the image request to the URL source in order to provide the response that the browser should receive when the tag is read and executed to the client information database.

As per claim 12, Appleman et al. and Pogue et al. teach the mentioned limitations of claims 9 and 11 above but Pogue et al. fails to teach compiling the data into a web page traffic report; and posting the report for viewing over the wide area network. Appleman et al. however teaches compiling the data into a web page traffic report (column 13, lines 1-30); and posting the report for viewing over the wide area network (column 2, lines 45-64). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add compiling the data into a web page traffic report; and posting the report for viewing over the wide area network in order to allow mentors to identify and track users visiting particular web sites.

As per claim 13, Pogue et al. teaches a computer-readable modulated carrier signal (column 7, lines 11-22). Pogue et al. however does not teach means embedded in the signal for mining data from a client node; and means embedded in the signal for processing a cookie on the client node. Appleman et al. teaches means embedded in the signal for mining data from a client node (column 3, lines 49-58); and means embedded in the signal for processing a cookie on the client node (column 16, lines 39-

Art Unit: 2141

45). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add means embedded in the signal for mining data from a client node; and means embedded in the signal for processing a cookie on the client node in order to in order for the Java tracker applet to obtain further client information and direct such information to the tracking computer.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Appleman et al. (6,081,788) and Pogue et al. (6,112,240) as applied to claims 1, 2, and 3 above, and further in view of Shrader et al. (6,374,359). Appleman et al. and Pogue et al. teach the mentioned limitations of claims 1, 2, and 3 above but fail to teach the step of decoding the new cookie values to obtain the web browsing data. Shrader et al. however teaches the step of decoding the new cookie values to obtain the web browsing data (column 2, lines 45-64). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the step of decoding the new cookie values to obtain the web browsing data in order to determine whether the user name and password in the resulting derived value match the user's user name and password.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahlberg (6,405,195) teaches a system and method for collaborative hosted analysis of data bases via a network portal. Liu et al. (6,839,680)

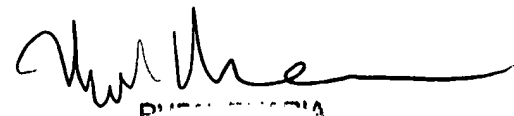
Art Unit: 2141

teaches internet profiling. Messer (5,991,740) teaches a data processing system for integrated tracking and management of commerce related activities on a public access network. Capps et al. (6,735,691) teaches a system and method for the automated migration of configuration information. Gerace (5,848,396) teaches a method and apparatus for determining behavioral profile of a computer user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-5:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SUPERVISOR